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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,422	12/17/2001	Oscar A. Zuniga	10016478-1	3354

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

QUELER, ADAM M

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,422

Applicant(s)

ZUNIGA ET AL.

Examiner

Adam M. Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment received 10/26/2005.
2. Claims 1-27 are pending in the case. Claims 1-7 are withdrawn. Claims 8, 14, and 21 are pending independent claims.
3. The rejection of claims 8-20 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's amendment.

Election/Restrictions

4. Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/03/2005.

Claim Rejections - 35 USC § 102

5. Claims 8-22, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Quentin et al. (US005208745A, patented 6/4/1990).

Regarding independent claim(s) 8, Quentin teaches receiving a multimedia presentation (col. 4, 11. 48-54). Quentin teaches separating the media (col. 5, 11. 62-65). Quentin teaches a multi-function device (Fig. 1). Quentin teaches the device is configured for communicating with a plurality of devices (col. 23, line 60 - col. 24 line 7). Given Quentin's disclosure, one of ordinary skill in the art at the time of the invention would understand that communication in that context, would entail sending and receiving to or from a plurality of devices.

Regarding dependent claim(s) 9, Quentin teaches displaying media (col. 12, 11. 41-43).

Regarding dependent claim(s) 10, Quentin teaches printing media (col. 5, line 52).

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Regarding dependent claim(s) 11, Quentin teaches generating sound from media (col. 5, line 52).

Regarding dependent claim(s) 12, Quentin teaches the audio is used to help a user with the first media. This is determined to be an annotation.

Regarding dependent claim(s) 13, Quentin teaches synchronizing the media (col. 4, line 67 - col. 5, line 6).

Regarding independent claim(s) 14, Quentin teaches transducers for formatting the two media (col. 4, 11. 41-47). Quentin teaches receiving a multimedia presentation (col. 4, 11. 48-54).

Quentin teaches separating the media (col. 5, 11. 62-65). Quentin teaches the media are for network delivery (col. 23, line 50 - col. 24, line 24). Quentin teaches a multi-function device (Fig. 1). Quentin teaches the device is configured for communicating with a plurality of devices (col. 23, line 60 - col. 24 line 7). Given Quentin's disclosure, one of ordinary skill in the art at the time of the invention would understand that communication in that context, would entail sending and receiving to or from a plurality of devices.

Regarding dependent claim(s) 15, Quentin teaches an interface (col. 2, 11. 24-25).

Regarding dependent claim(s) 16, Quentin teaches sending to a network destination (col. 23, line 50 - col. 24, line 24).

Regarding dependent claim(s) 17, Quentin teaches receiving at network destination (col. 23, line 50 - col. 24, line 24).

Regarding dependent claim(s) 18, Quentin teaches synchronizing the media (col. 4, line 67 col. 5, line 6).

Regarding dependent claim(s) 19, Quentin teaches an audio transducer (col. 4, 11. 41-43).

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Regarding dependent claim(s) 20, Quentin teaches a screen for display, or imaging transducer (col. 4, ll. 15-16).

Regarding independent claim(s) 21, Quentin teaches a multi-function device (Fig. 1). Quentin teaches separating the media (col. 5, ll. 62-65), for each output device. Quentin says “the text and multimedia commands in each record are formatted so that the information for each output module can be easily identified and separated from the other information in the record” (col. 5 ll. 62-65). Since text and other multimedia would go to separate output modules (for example, the voice output module and display output module), the information would be separately formatted from each other, and thus separated. Quentin teaches outputting the visual component (col. 19, ll. 11-14), as well as the audio (col. 19, ll. 50-60). Quentin discloses a plurality of multimedia transmission devices (col. 24, ll. 4-6).

Regarding dependent claim(s) 22, Quentin teaches a networked computer (col. 23, line 50 - col. 24, line 24).

Regarding dependent claim(s) 26, Quentin teaches outputting based on a tag (col. 6, ll. 1-12). Quentin teaches that the visual and audio media are synchronized and outputted (col. 5, ll. 4-6 and col. 6, ll. 20-24). From the context and the following sections in columns 7-10, it is clear Quentin means selection as an immediate precursor to output. Quentin’s true meaning is further confirmed by col. 2, lines 29-32 stating an object of the invention is to “generate multimedia commands at the same time as it displays text on a text monitor.” Therefore Quentin teaches that they are synchronized.

Regarding dependent claim(s) 27, Quentin teaches outputting a message (col. 5, ll. 50-54).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quentin.**

Regarding dependent claim(s) 23, Quentin discloses a satellite system used for communication (col. 23, line 50 - col. 24, line 24). Quentin does not teach an Internet site. Official Notice is taken that the time of the current invention an Internet website was a well-known, common and desirable way to communicate with remote device. (As per MPEP 2144.03(C) this is now taken to be Admitted Prior Art because Applicant has not traversed the examiner's assertion of Official Notice). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the satellite system of Quentin with a well-known website, as the Internet was known at the time of the invention to be cheaper, popular and easy to access communication network, and this would not change the essential function of Quentin.

Regarding dependent claim(s) 24, it would be have been obvious to substitute the Internet for the communication means of Quentin as described in claim 23 above. Given that obviousness any communication from a website would inherently be a computer readable data file.

Regarding dependent claim(s) 25, it would be have been obvious to substitute the Internet for the communication means of Quentin as described in claim 23 above. Given that obviousness any communication from the website would inherently be a computer readable data file.

Response to Arguments

8. Applicant's arguments filed 07/15/2005 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on Claims 8 and 14:

Applicant alleges that the passage does not teach sending and receiving. However, Quentin teaches the device is configured for communicating with a plurality of devices (col. 23, line 60 - col. 24 line 7). Given Quentin's disclosure, one of ordinary skill in the art at the time of the invention would understand that communication in that context, would entail sending and receiving to or from a plurality of devices.

Regarding Applicant's remarks on Claims 21 et al:

Applicant alleges that Quentin does not teach a plurality of communication devices. However, the cited passage specifically mentions a plurality of devices.

Applicant alleges that the Quentin does not teach separating text and multimedia from each other but from all other information. However, Quentin says "the text and multimedia commands in each record are formatted so that the information for each output module can be easily identified and separated from the other information in the record" (col.5 ll. 62-65). Since text and other multimedia would go to separate output modules (for example, the voice output module and display output module), the information would be separately formatted from each other, and thus separated.

Regarding Applicant's remarks on Claim 26:

Applicant alleges that the text is not spoken at the same time it is displayed, merely that the text is spoken upon selection. However, from the context and the following sections in columns 7-

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10, it is clear Quentin means selection as an immediate precursor to output. Quentin's true meaning is further confirmed by col. 2, lines 29-32 stating an object of the invention is to "generate multimedia commands at the same time as it displays text on a text monitor."

Therefore Quentin teaches that they are synchronized.

Regarding Applicant's remarks on Claims 23 and 24:

Applicant alleges that there is no motivation to modify Quentin. However, the Office has provided a motivation in the rejection above, and Applicant's argument is a mere allegation that the no motivation exists.

It appears Applicant is objecting to the modification because Quentin "is intended only to facilitate operation in 'tight quarters'". However, that is a mischaracterization of Quentin. Quentin does not place a restrictions on when the satellite station can be used. Regardless, this modification does not effect any essential function of Quentin, merely improves the communication system to a conventional one at the time of the invention.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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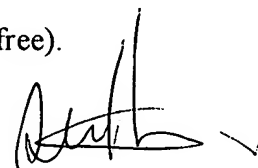
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stephen Hong', followed by a checkmark.

AQ

STEPHEN HONG
SUPERVISORY PATENT EXAMINER